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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,691

02/23/2004

Stephen Anderson

60001.0392US01/300316.01

1343

27488 7590 06/16/2010  
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EXAMINER

TODD, GREGORY G

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

06/16/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,691	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> GREGORY G. TODD	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 9-11, 15, 16 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/05/10</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to applicant's amendment and request for continued examination filed, 05 May 2010, of application filed, with the above serial number, on 23 February 2004 in which claims 1, 7, 9, 13, 14, and 17-21 have been amended. Claims 1-21 are pending in the application.

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: In line 6, "then the setting the" is suggested to be amended to "then setting the". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim is drawn to a "computer readable storage medium". The specification exemplifies the medium as including transmission or communication medium such as "carrier wave" (paragraph 22 of published specification). While "storage", as amended in 08/14/08, attempts to exclude the communication media, the storage medium offers that

any other medium can be used to store the information, thus including communication media and transitory signals. Thus the claim as a whole covers *transitory* signals, which does not fall into any of the four categories of invention (process, machine, manufacture, or composition of matter).

In order to expedite a comprehensive examination of the instant application, the claims rejected under 35 U.S.C. 101 (non-statutory) above, are further rejected as set forth below in anticipation of applicant amending these claims to place them within the admissible statutory categories of invention.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 12-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (hereinafter "Bates", 6,807,566) in view of Warner et al (hereinafter "Warner", 6,665,655).

As per Claim 1, Bates teaches a method for deleting threads from a discussion group comprising a plurality of posts, the method comprising:

determining whether at least one user has read at least one post within a thread (at least Fig. 2; col. 5:10-24; 5:47-6:7; events, any message posting/ feedback from user);

determining whether at least one user has rated the at least one post within the thread as useful (at least col. 5:10-24; 5:47-6:7; positive feedback);

if the at least one user has rated at least one post as useful, retaining the thread (at least col. 5:47-6:7; positive feedback adjusting message rating, displaying only those above a threshold);

determining if the at least one user has read at least one post and not rated the at least one post (at least col. 7:47-55; neutral feedback adjusting message rating, displaying only those above a threshold) and

if the at least one user has rated at least one post as not useful, deleting the thread (at least col. 5:10-24; 5:47-6:7; retaining and displaying messages having a rating above a threshold).

Bates fails to explicitly teach retaining the thread if at least one user has read at least one post and not rated the at least one post and providing a message to the at least one user inquiring whether the at least one post was useful to the at least one user, wherein providing the message to the at least one user comprises providing, to the at least one user, a first selection operative to indicate, upon selection, a positive response, and a second selection operative to indicate, upon selection, a negative response. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Warner. Warner, in an analogous art, teaches informational items having relevancy ratings (at least Warner col. 3:41-55) wherein when a user selects an informational item to view and read, the implicit rating of the informational item is increased as it is

assumed from the fact the user made the selection for the information item to be positive (at least col. 5:32-53). Warner further teaches it to be well known to explicitly request input from a user regarding the relevancy of informational items by answering either “yes” or “no” to a question “Was this information helpful?” (at least Warner col. 1:63-2:6). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Warner’s implicit and explicit user rating system with Bates, as Bates teaches the user providing positive, negative, and neutral feedback or comments to a posted message (Bates col. 6:25-30, 45-48; col. 7:49-54; col. 2:59-60), and it would be obvious to use Warner’s less time-consuming yes/no question and implicit ratings of messages to obtain more and better feedback from users instead of a more time-consuming comment as with Bates.

As per Claim 2. The method of claim 1, further comprising setting a delete date associated with the thread to a predetermined value (at least Bates col. 7:47-56; message past certain amount of time/ stale messages having low rating and not being displayed; Warner col. 8:41-49; stale based on most recently accessed time).

As per Claim 3. The method of claim 2, wherein retaining the thread comprises resetting the delete date of the thread to the predetermined value (at least Bates col. 5:10-24; 5:47-6:7; retaining and conditional displaying of messages having a rating above a threshold with col. 7:47-56; adjusted rating according to time; Warner col. 8:41-49; stale based on most recently accessed time).

As per Claim 4. The method of claim 3, wherein retaining the thread comprises leaving the delete date of the post unchanged (at least Bates col. 5:10-63; displaying messages

above rating threshold; Warner col. 9:6-18; stale rate of zero with ratings not being aged).

As per Claim 5. The method of claim 3, wherein deleting the thread comprises: determining whether the delete date of the at least one post is equal to a current date; and deleting the thread if the delete date is equal to the current date (at least Bates col. 7:47-56; stale and not displayed; Warner col. 8:41-49; stale based on most recently accessed time).

As per Claim 6. The method of claim 1, wherein determining whether the at least one user has rated at least one post within the thread, comprises: storing a rating value in a field associated with the at least one post (at least Bates Fig. 2, #206); and determining whether the at least one user has affirmatively rated the at least one post as positive (at least Bates col. 6:1-40; positive feedback rating).

As per Claim 7. The method of claim 6, further comprising determining whether the rating field has a value indicative of the positive response, wherein determining whether the rating field has a value indicative of a positive response comprises: determining whether the at least one user opened the at least one post (at least Bates col. 6:1-40; any comment or response; Warner col. 5:37-45; item selected and retrieved); and storing a positive value in the rating field associated with the at least one post (at least Bates Fig. 2, #206; col. 6:1-40; positive feedback rating; Warner col. 5:41-45; positive feedback assumed).

As per Claim 8. The method of claim 7, wherein determining whether the rating field has the value indicative of the positive response further comprises:

determining whether the at least one user provided the positive response in response to the message inquiry whether the at least one post was useful (at least Bates col. 6:1-40; positive feedback rating).

As per Claim 12. The method of claim 1, further comprising:

displaying each post and a rating for each post on a display device (at least Bates Fig. 2, #206; col. 5:10-63; display).

As per Claims 13-14 and 17-20. The limitations therein have substantially the same scope as claims 1-8 and 12 because claims 13-14 are storage medium claims, and claims 17-20 are system claims for implementing the method of claims 1-8 and 12.

Therefore claims 13-14 and 17-20 are rejected for at least the same reasons as claims 1-8 and 12.

### ***Allowable Subject Matter***

7. Claims 9-11, 15-16, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8, 12-14, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.



### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodman et al (junk/not junk buttons; col. 8:50-52), Arthur et al (col. 4:37-45; junk buttons), Pollack et al (col. 11:19-45; user feedback for messages), and Boone (Fig. 2; positive/negative/neutral buttons), in addition to previously cited Smith et al, Rose et al, Elken, Anderson, Omoigui, Willis, Ginn, and Suzuki are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art references for relevant teachings when responding to this office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY G. TODD whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory G Todd/  
Examiner, Art Unit 2457